

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-446-D

JAMES F. BENNETT and VERONICA L.
BENNETT, Personal Representatives of the
Estate of DANIEL BENNETT,

Plaintiffs,

vs.

HOFFMANN-LA ROCHE INC. and
ROCHE LABORATORIES INC.,

Defendants.

**ORDER ON SECOND JOINT MOTION TO
MODIFY SCHEDULING ORDER**

THIS MATTER COMING BEFORE the undersigned United States District Judge upon Plaintiffs James F. Bennett and Veronica L. Bennett, Personal Representatives of the Estate of Daniel Bennett, and Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc.'s (collectively hereinafter the "Parties"), Second Joint Motion to Modify Scheduling Order [D.E. #] brought pursuant to Fed. R. Civ. P. 16(b)(4); and this Court having reviewed the Second Joint Motion and supporting Memorandum finds good cause to GRANT the Joint Motion;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Joint Motion is ALLOWED and the Order entered on September 9, 2011 [D.E. #42] is hereby amended as follows:

1. The deadline to complete Phase I discovery is extended from October 15, 2011 to December 15, 2011;
2. The remaining deadlines are adjusted to accommodate the 60 day extension, such that

- Phase II discovery shall commence on December 16, 2011;
- Phase II discovery served prior to December 16, 2011 shall be deemed served on December 16, 2011;
- Reports from retained experts shall be due no later than April 15, 2012;
- Reports from rebuttal experts shall be due no later than May 15, 2012;
- Discovery motions shall be filed no later than June 1, 2012;
- Mediation shall be completed no later than June 15, 2012;
- All discovery shall be completed no later than July 1, 2012;
- All potentially dispositive motions shall be filed no later than August 1, 2012;
- and
- Deadline for filing motions *in limine*, designating deposition testimony for use at trial, and final lists of witnesses and exhibits shall be October 16, 2012.

All other provisions in the September 9, 2011 Order shall be unaffected and remain as originally ordered by this Court.

SO ORDERED. This the 25 day of October, 2011.



James C. Dever III
Chief United States District Judge